

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Dan Hobbs, City Manager
Jon Ruiz and Andrew Souza, Assistant City Managers
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Cindy Bruer, Deputy City Clerk

Pastor Fahrney of the Cross Church gave the invocation and Councilmember Westerlund led the Pledge of Allegiance.

RESOLUTION OF COMMENDATION TO THE BUDGET DIVISION OF THE FINANCE DEPARTMENT – MAYOR AUTRY

City Manager Hobbs made the presentations to Ruthie Quinto, Renena Smith, Jane Sumpter, Henry Fierro, Sharon McDowell, Irwin Band, Paul Melikian, Wesley Harris, Adelina Acosta and Elida Rubio of the Finance Department's Budget Division.

PROCLAMATION OF "AMERICAN HEART ASSOCIATION'S GO RED FOR WOMEN DAY" – MAYOR AUTRY AND COUNCILMEMBER DUNCAN

Read and presented.

PROCLAMATION OF "ANTHONY EDWARDS DAY" – COUNCILMEMBERS STERLING AND BOYAJIAN

Read and presented.

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APPROVE MINUTES OF FEBRUARY 8, 2005

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of February 8, 2005, approved, as amended to reflect the vote taken in closed session: "Chair Boyajian announced the Agency voted 5-1-1, with Councilmember Calhoun voting "no" and Councilmember Westerlund Abstaining, for the Agency Chair and Vice Chair to begin negotiations with Interim Director Murphey for her appointment as Executive Director."

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COUNCILMEMBERS REPORTS AND COMMENTS

GRAND OPENING OF AMTRAK STATION – COUNCILMEMBERS BOYAJIAN AND CALHOUN

Councilmember Boyajian stated the Grand Opening of the restored Amtrak Station was a great success and also thanked the Grizzlies for organizing a cancer program which was well attended Sunday night. Councilmember Calhoun commended staff for overseeing the project, stated the promenade parking lot was a wonderful addition and acknowledged the Redevelopment Agency for providing the funding for the installation of the wrought iron fence along the track.

SPCA DINNER – COUNCILMEMBER CALHOUN

Councilmember Calhoun noted the SPCA Dinner was well attended and from the 1970's until now, the number of animals having to be euthanized has decreased drastically due to education, spaying, neutering and the SPCA itself.

CDBG MONIES – COUNCILMEMBER CALHOUN

Councilmember Calhoun quoted from the Wall Street Journal relating to the concern of CDBG monies and reviewed a resolution Council previously adopted declaring a state of emergency due to the unemployment factor.

FRESNO COUNTY'S REQUEST TO CONTRACT WITH THE CITY RELATING TO GRAFFITI – COUNCILMEMBER WESTERLUND

Councilmember Westerlund wondered where the issue was or when it might come forth with Fresno County relating to graffiti with City Manager Hobbs stating the issue was listed on the Council Action Report and staff was currently working on the item.

SCHEDULED MEETING WITH THE CITY ATTORNEY'S OFFICE TO EXPLAIN CODE ENFORCEMENT – COUNCILMEMBER WESTERLUND

Councilmember Westerlund reminded Council of the meeting set for February 16, 2005, at 1:30 p.m. with the City Attorney's Office relating to code enforcement and the anti-slumlord policy he was currently working on.

THIRD ROUND BRACC BASE POSSIBLY CLOSING – COUNCILMEMBER WESTERLUND

Councilmember Westerlund stated there will be a meeting at 3:00 p.m. today to discuss a third round BRACC base possibly closing, advised the Air National Guard Base could be on the list and that the Department of Defense was currently gathering information and the Secretary of Defense would be making his recommendation to the BRAC Commission on May 15 or 16, 2005, and encouraged Council to assist in campaigning for the Air National Guard Base to remain. City Manager Hobbs stated more information would be provided at the next Economic Development Task Force meeting.

DIXIELAND SOCIETY GATHERING – COUNCIL PRESIDENT DAGES

Council President Dages stated over 1,000 people from the Dixieland Society gathered at the Radisson Hotel this last weekend and reserved several hotels within the City and expressed concern for the lack of media coverage at the event.

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APPROVE AGENDA

City Clerk Klisch stated the Master Fee Schedule Workshop scheduled on the hearing schedule of the agenda should be corrected to March 8 at 2:30 p.m. and **not** March 15, 2005.

(3:30 P.M. "B") SET THE SALARY RANGE FOR THE EXECUTIVE DIRECTOR OF THE RDA – RDA COMMITTEE (AGENCY ACTION)

With Council consensus Councilmember Duncan requested the above entitled item be continued to March 1, 2005. Councilmember Duncan stated the contract needed to be resolved before the above issue could be discussed.

(3:00 P.M.) DIRECT STAFF TO MEET WITH FRESNO UNIFIED SCHOOL DISTRICT (FUSD) TO DETERMINE HOW THE CITY CAN ASSIST THE DISTRICT ACHIEVE ITS GOAL OF BEING A CALIFORNIA OUTSTANDING SCHOOL DISTRICT - COUNCILMEMBERS CALHOUN AND PEREA

Councilmember Calhoun stated the above item should have been scheduled for 3:30 p.m. with Council President Dages stating that several Councilmembers wanted to attend the 1:00 p.m. ceremony for the 40th Infantry

Division's return from Iraq and suggested Council reconvene at 2:30 p.m. rather than 2:00 p.m. which would delay other discussions a half hour. Councilmember Calhoun recommended Council continue discussions until 12:30 p.m. to possibly solve the problem of getting behind on the agenda.

RULES AND PROTOCOL – COUNCIL PRESIDENT DAGES

Council President Dages reminded Council of the Rules and Protocol that stated Rule No. 4. states there will be no personal attacks in public and to show respect and Rule No. 2 was to speak once and briefly.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes : None
Absent : None

ADOPT CONSENT CALENDAR:

(1-J) APPROVE COUNCILMEMBER STERLING'S APPOINTMENT OF GENE RICHARDS TO REPRESENT DISTRICT 3 AND REAPPOINTMENT OF NANCY ELLIS BY COUNCILMEMBER PEREA TO REPRESENT DISTRICT 7 TO THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE FOR THE PERIOD OF JANUARY 1, 2005 TO DECEMBER 31, 2007 - COUNCILMEMBERS STERLING AND PEREA

(2-0) Barbara Hunt, 2475 S. Walnut, discussed the appointment representing District 3.

(1-E) * RESOLUTION - APPROVING THE REALLOCATION OF \$413,700 FROM THE CLOVIS AVENUE WIDENING PROJECT (KINGS CANYON TO MCKINLEY) FOR VARIOUS FEDERALLY-FUNDED STREET, TRAFFIC SIGNAL AND TRAIL PROJECTS – PUBLIC WORKS DEPT.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Councilmember Calhoun pulled Item **1-A** for discussion.

(1-B) * APPROVE AGREEMENT WITH THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT FOR COOPERATION, JOINT USE AND LAND TENURE AND OPERATION OF DRAINAGE BASIN "AL" FOR USE AS A PUBLIC PARK; AND AUTHORIZE THE DIRECTOR OF PARKS, RECREATION AND COMMUNITY SERVICES, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS PERTAINING THERETO ON BEHALF OF THE CITY – PR&CS

(1-C) * RESOLUTION NO. 2005-40 - APPROVING COOPERATIVE AGREEMENT NO. 06-1253 WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR FREEWAY 180 EAST FROM CLOVIS TO TEMPERANCE AVENUES AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY OF FRESNO – PUBLIC WORKS DEPT.

(1-D) * RESOLUTION NO. 2005-41 - 61ST AMENDMENT TO AAR NO. 2004-209 APPROPRIATING \$330,000 FROM THE UGM TRAFFIC SIGNAL FEE FUND FOR ENGINEERING DESIGN AND PURCHASE OF TRAFFIC SIGNAL POLES FOR ELEVEN (11) UGM TRAFFIC SIGNAL CAPITAL PROJECTS **(REQUIRES 5 AFFIRMATIVE VOTES)** – PUBLIC WORKS DEPT.

(1-E) * RESOLUTION NO. 2005-42 - APPROVING THE REALLOCATION OF \$413,700 FROM THE CLOVIS AVENUE WIDENING PROJECT (KINGS CANYON TO MCKINLEY) FOR VARIOUS FEDERALLY-FUNDED STREETS, TRAFFIC SIGNAL AND TRAIL PROJECTS – PUBLIC WORKS DEPT.

(1-F) APPROVE AMENDMENT NO. 2 TO AGREEMENT WITH QUAD KNOFF, INC., IN THE AMOUNT OF \$4,920 FOR ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE SHAW AND WEST AVENUES INTERSECTION IMPROVEMENT AND SHAW AND FELAND AVENUES BUS BAY PROJECTS AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE AMENDMENT TO THE AGREEMENT ON BEHALF OF THE CITY – PUBLIC WORKS DEPT.

(1-G) APPROVE PARTICIPATION IN THE PACIFIC GAS AND ELECTRIC (PG&E) VENDOR UPSTREAM INCENTIVE PROGRAM WITHIN THE FRESNO ENERGY SAVINGS ALLIANCE FINANCIAL INCENTIVE AGREEMENT TO ACCEPT \$248,000 INCENTIVE FUNDING AND AUTHORIZE THE GENERAL SERVICES DIRECTOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY – GENERAL SERVICES DEPT.

(1-H) **RESOLUTION NO. 2005-43** – APPROVING THE FINAL MAP OF TRACT NO. 5370 AND ACCEPTING DEDICATED PUBLIC USES THEREIN; AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE; AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR INTERIM SEWER SURETY FEE AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING FOR SPECIAL SOLID WASTE SERVICE AND AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN – PLANNING AND DEVELOPMENT DEPT.

(1-I) **RESOLUTION NO. 2005-44** – ENDORSING KEN NERLAND AS A NOMINEE FOR THE AMERICAN PUBLIC WORKS ASSOCIATION'S "TOP TEN PUBLIC WORKS LEADERS OF THE YEAR AWARD" - PERSONNEL DEPT.

(1-J) APPROVE COUNCILMEMBER STERLING'S APPOINTMENT OF GENE RICHARDS TO REPRESENT DISTRICT 3 AND REAPPOINTMENT OF NANCY ELLIS BY COUNCILMEMBER PEREA TO REPRESENT DISTRICT 7 TO THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE FOR THE PERIOD OF JANUARY 1, 2005, TO DECEMBER 31, 2007 - COUNCILMEMBERS STERLING AND PEREA

On motion of Councilmember Perea, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

UNSCHEDULED COMMUNICATION:

APPEARANCE BY HARLEY TURNER, 1326 EAST GOSHEN, TO DISCUSS LAFCO

Harley Turner, 1326 E. Goshen, commented on the resignation of former Public Utilities Director McIntyre and stated he felt the situation was handled incorrectly and read a portion of a City staff report dated August 17, 2004, noting the resolution included what the Public Utilities and Planning and Development Directors said and that both directors had laid the ground work in disseminating the correct information to LAFCO concerning CVP water. Mr. Turner also reviewed the LAFCO minutes of the last January meeting, quoting a portion of a statement made by Mr. Yovino. Mr. Turner's used his allotted time and objected to being limited to three minutes to speak to Council.

APPEARANCE BY BARBARA HUNT, 2475 S. WALNUT TO DISCUSS CITY COUNCIL WORKSHOP OF FEBRUARY 8, 2005.

Barbara Hunt, 2475 S. Walnut, discussed the Kronos Workshop that was scheduled for the February 8, 2005, Council meeting, and expressed her concern with allowing people to present their case. Ms. Hunt also discussed the need to change the school boundaries and the need to solve the geographic structures of the Council districts.

APPEARANCE BY HARLEY TURNER, 1326 EAST GOSHEN TO DISCUSS LAFCO (DISCUSSED EARLIER)

Upon request by Councilmember Boyajian, and with Council consensus, Harley Turner was allowed additional time to summarize his statements. Mr. Turner continued reading a portion of LAFCO minutes from their last January meeting and reviewed the re-securing of a new contract and emphasized the importance of continuing the investigation of the people involved.

(9:15 A.M.) INFORMATION UPDATE BY MELINDA MARKS, EXECUTIVE OFFICER OF THE SAN JOAQUIN RIVER CONSERVANCY ON ITS ACTIVITIES AND ACHIEVEMENTS – COUNCILMEMBER CALHOUN

Councilmember Calhoun stated a brief synopsis would be made on the progress of the Conservancy, listed the Boardmembers' names and emphasized the Conservancy and the Parkway Trust were two separate entities.

Melinda Marks, Executive Director of the San Joaquin River Conservancy, gave a power-point presentation detailing several topics including the development of the trust, the Implementation of the Parkway Master Plan; the Conservancy's role; the Parkway progress that has allowed the purchase of 2,000 acres; projects in the works, the importance of Conservancy with partnerships; community benefits and discussed developing stewardship resources. No action was taken.

(9:45 A.M.) HISTORIC PRESERVATION – PLANNING AND DEVELOPMENT DEPT.- 1. CONSIDER NOMINATIONS TO THE LOCAL REGISTER OF HISTORIC RESOURCES

A. * RESOLUTION NO. 2005-45 - DESIGNATING J.M. MENEND/MURRAY ICE CREAM COMPANY BUILDING, 175 FULTON STREET (DISTRICT 3), TO THE LOCAL REGISTER OF HISTORIC RESOURCES

Council President Dages stated the two items listed above would be voted upon separately and also addressed the above item being laid over one week and apologized to the people in attendance at last week's Council meeting.

Planning Manager Unruh reviewed the issue with a power-point presentation and provided information to include reviewing the historic preservation ordinance, reviewed requests for nominations, demolition review, the criteria for the local register, discussed the four criteria to qualify for a local historic resource, benefits of historic designation, the process for a nomination, and concluded by providing a brief overview of the two properties involved and their locations. Mr. Unruh also stated the owners of W.P. Cutting Flats wanted to demolish one of their properties to expand their parking area, but stated the Fulton Lowell Implementation Committee disapproved and reviewed various parking alternatives for the property owners.

Barbara Hunt, 2475 S. Walnut, spoke in support of historic preservation.

Councilmember Duncan stated the process needed to be improved, and it was fine, if, upon the request of the owner, the property was included as a historic resource, but expressed concern with the requests being presented to Council too frequently and the opposition of some of the property owners.

(3-0) Planning and Development Director Yovino gave an overview of the historic preservation ordinance and stated with all the revitalization of downtown there would be disagreement when both revitalization and restoration are involved and recommended the City do pro-active survey work which would take a couple of years and stated meantime the Council would be faced with difficult issues. Councilmember Duncan expressed the importance of reviewing the process and the notification to property owners as to what was involved.

Council President Dages left the meeting at 10:12 a.m. Councilmember Boyajian questioned how strict was the criteria with City Attorney Montoy stating the process had to follow the 2025 Fresno General Plan and the City had to abide by the Plan as well as the ordinance. Councilmember Boyajian expressed concern with blighted areas, noting there were several historic buildings that were blighted. Councilmember Boyajian stated he would like to see individuals invest in the downtown area and would not support placing the apartment complex on the Local Register and concurred with Councilmember Duncan on improving the policy and guidelines for historic resources.

Ms. Montoy stated as a point of order, Council needed to speak on just the first item at this time.

A motion to place the J.M. Menend/Murray Ice Cream Company on the Local Register of Historic Resources was acted upon after further discussion. Council President Dages returned to the meeting at 10:23 a.m.

Councilmember Westerlund questioned whether the building was occupied, the alterations to the building, and the possibility of duplicating the brick work, and stated there was no uniqueness about the building, with Mr. Unruh responding.

Councilmember Perea stated he was not interested in changing the criteria of the evaluation of historic buildings, expressed the need to change the rules on how the City works with individuals who own historic buildings, and develop a process to make it easier to keep and restore historic buildings. Mr. Perea expressed concern with the old Fresno Courthouse being demolished and noted during the two years he has been on the Council two other historic buildings have been demolished.

Councilmember Duncan stated he would not support the motion on the floor noting the building before Council today was old and not historic.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2005-45 hereby adopted, by the following vote:

Ayes :	Calhoun, Perea, Sterling, Dages
Noes :	Boyajian, Duncan, Westerlund
Absent :	None

(9:45 A.M.) HISTORIC PRESERVATION – PLANNING AND DEVELOPMENT DEPT.- 1. CONSIDER NOMINATIONS TO THE LOCAL REGISTER OF HISTORIC RESOURCES

B. * RESOLUTION - DESIGNATING W. P. CUTTING FLATS 2-16 NORTH SAN PABLO AVENUE (DISTRICT 3), TO THE LOCAL REGISTER OF HISTORIC RESOURCES

James Oakes, Architect, Planner and Preservation Specialist, reviewed his qualifications that allowed him to render decisions on historic properties and stated the building was not historic and the owners wanted to demolish the building to expand their law firm.

Robert Williams, 1432 Divisadero, owner of the subject property, stated he objected to the nomination for the building to become a historic resource, stressed the importance of expanding his business and requested the Council allow the demolition of buildings 9 – 16 and let the building 2 through 8 be placed on the local register.

Also speaking to the issue was Barbara Hunt, 2475 S. Walnut, stated the owner referred to the subject building as old and dilapidated and expressed the importance of preserving historic buildings.

Doug Vagim, Fresno, advised he had attended a Historic Preservation Commission meeting in which the subject building came up for discussion and stated the building should be considered on its own merits as a historic resource, noting the building was not stopping the attorney's business from expanding and urged approval of the building being placed on the local register.

Michael Montgomery, 100 Van Ness Avenue, an owner of property in the downtown area for approximately 25 years, expressed concern with other property owners approaching him with a request to tear his building down to build a bigger parking lot, stated his building was the only one left on "L" Street in the 1500 block and concluded by stating a new River Park can be built anytime but not another downtown Fresno.

Upon call, no one else wished to speak.

Councilmember Sterling requested as explanation of the portion of the staff report stating the flats are also considered individually eligible in the Ratkovich Plan Survey of 1994 with Mr. Unruh stating a John Powell Survey was considered as part of the Ratkovich Study in which Mr. Powell's analysis identified the property as being property that could be considered on the local register. Councilmember Sterling also commended Mr. Oakes on his preservation efforts and historic work and thanked the property owners for the tour of the two structures.

A motion was made to deny the resolution designating the entire property, approve the applicant's request to expand their facilities and only place the southeast corner building located at 2 – 8 N. San Pablo Avenue on the historic register, but was not voted upon because Ms. Montoy stated the first portion of the motion was appropriate, with respect to denying the resolution, and concluded by stating the only issue before Council today was to approve or deny the designation to the local register of the two buildings, noting the Site Plan and demolition was not the issue at the present time.

An amended motion was made by Councilmember Sterling and seconded by Councilmember Duncan to deny the designation of placing the W.P. Cutting Flats, 2 – 16 N. San Pablo Avenue on the Local Register of Historic

Resources but after further discussion the second was withdrawn by Councilmember Duncan. **(3-0)** After clarification of the process and extensive discussion, an alternative motion to place the W.P. Cutting Flats 2 – 8 N. San Pablo Avenue on the Local Register of Historic Resources and to deny the designation of W.P. Cutting Flats 9 – 16 N. San Pablo Avenue to the Local Register of Historic Resources was acted upon after further discussion.

Councilmember Perea stated he would support both buildings being placed on the historic register, emphasized buildings like the ones being discussed were not being built anymore, and he would like the Council to set priorities and a vision for the downtown area.

Councilmember Westerlund questioned the condition of the interior of the building as well as the foundation with Mr. Oakes responding and emphasizing the property owners would not just create a parking lot, but would also remodel to meet their needs.

Councilmember Duncan questioned whether only one building could be established as historic with Ms. Montoy stating there could be some distinction with respect to the fact that preservation of one would be sufficient. Ms. Montoy noted if either building was not approved for designation to the Local Register there is a one year waiting period with Councilmember Duncan stating if one was approved and not the other building it would complicate the matter.

A motion of Councilmember Sterling, seconded by Councilmember Calhoun, to designate the W.P. Cutting Flats 2-8 N. San Pablo Avenue to the Local Register of Historic Resources and deny the designation of the W. P. Cutting Flats 9 – 16 N. San Pablo Avenue to the Local Register of Historic Resources, failed, by the following vote:

Ayes : Calhoun, Sterling, Dages
Noes : Boyajian, Duncan, Perea, Westerlund
Absent : None

A motion to deny the entire property was acted upon after brief discussion.

Councilmember Calhoun stressed the second motion was a reasonable compromise and he would not support the motion on the floor.

On motion of Councilmember Duncan, seconded by Councilmember Boyajian, duly carried, RESOLVED, the designation of the W.P. Cutting Flats 2-16 N. San Pablo Avenue to the Local Register of Historic Resources, hereby denied, by the following vote:

Ayes : Boyajian, Duncan, Westerlund, Dages
Noes : Calhoun, Perea, Sterling
Absent : None

Councilmember Calhoun requested clarification as to whether both buildings could be demolished with Ms. Montoy stating both buildings still have to go through a process due to being over 50 years old. Council President Dages stated it was time to discuss the 10:00 a.m. item and Councilmember Calhoun objected to not continuing with the discussion.

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(10:00 A.M.) HEARING REGARDING COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 86, FINAL TRACT MAP NO. 5265 – PUBLIC WORKS DEPARTMENT

A. RESOLUTION NO. 2005-46 - DIRECTING PREPARATION OF A MODIFIED ENGINEER'S REPORT ANALYZING IMPACT OF PROPOSED INCREASE IN SPECIAL TAX AND MODIFYING RESOLUTION OF INTENTION 2005-11

B. RESOLUTION NO. 2005-47 - RECEIVING THE MODIFIED ENGINEER'S REPORT AND MODIFYING RESOLUTION OF INTENTION 2005-11

C. RESOLUTION NO. 2005-48 – ANNEXING TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 86, FINAL TRACT MAP NO. 5265 AND AUTHORIZING THE LEVY OF A SPECIAL TAX

D. RESOLUTION NO. 2005-49 – CALLING A SPECIAL MAILED-BALLOT ELECTION

E. RESOLUTION NO. 2005-50 – DECLARING ELECTION RESULTS

F. * BILL NO. B-9/ORDINANCE NO. 2005-10 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS WITHIN AND RELATING TO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 86, FINAL TRACT MAP NO. 5265

Council President Dages announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirn, reviewed the issue and stated that based on new quotes received from private contractors and a review by the Street Maintenance Division, staff recommends the per-square-foot charge be increased beginning with this hearing and elaborated on the various fee increases.

Speaking to the issue was Barbara Hunt, 2475 S. Walnut, who stated there was not enough information provided to vote on the issue.

Upon call, no one else wished to be heard and Council President Dages closed the public hearing.

Councilmember Calhoun stated staff had stated enough money was being collected and expressed concern with his office receiving several complaints regarding the maintenance of median islands. Councilmember Calhoun expressed concern because the program was under-funded and the City needed to change the process, noting Council needed to discuss policies as to whether to continue the process in the future, adding he would not support the item even with the increase of fees.

Councilmember Duncan questioned whether individuals who were in the process of purchasing a home were informed of the fee and whether the amount of fees collected was sufficient with Mr. Kirn responding.

A motion to approve staff recommendation was voted upon after brief discussion.

Councilmember Westerlund suggested scheduling a workshop to discuss the calculations and possible alternatives for Community Facilities. Public Works Director Healey stated developers were getting mixed signals due to the City requesting more green space with each new development and the City's goal was to be able to account for what was being spent specifically in that district.

Councilmember Calhoun expressed concern with hearing the Council was sending mixed signals by directing more landscaping in the subdivisions. Planning and Development Director Yovino responded there was a 5% open space policy for certain single-family subdivisions in southeast Fresno with a recent amendment that removed the policy for southeast Fresno.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-46, 2005-47, 2005-48, 2005-49, 2005-50 hereby adopted and Bill No. B-8 adopted as Ordinance No. 2005-10, by the following vote:

Ayes :	Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Calhoun
Absent :	None

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(10:05 A.M.) HEARING REGARDING COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 87, FINAL TRACTMAP NO. 5259 – PUBLIC WORKS DEPARTMENT

A. RESOLUTION NO. 2005-51 - DIRECTING PREPARATION OF A MODIFIED ENGINEER'S REPORT ANALYZING IMPACT OF PROPOSED INCREASE IN SPECIAL TAX AND MODIFYING RESOLUTION OF INTENTION 2005-10

B. RESOLUTION NO. 2005-52 - RECEIVING THE MODIFIED ENGINEER'S REPORT AND MODIFYING RESOLUTION OF INTENTION 2005-10

C. RESOLUTION NO. 2005-53 – ANNEXING TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 87, FINAL TRACT MAP NO. 5259 AND AUTHORIZING THE LEVY OF A SPECIAL TAX

D. RESOLUTION NO. 2005-54 – CALLING A SPECIAL MAILED-BALLOT ELECTION

E. RESOLUTION NO. 2005-55 – DECLARING ELECTION RESULTS

F. * BILL NO. B-9/ORDINANCE NO. 2005-11 – LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS WITHIN AND RELATING TO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 87, FINAL TRACT MAP NO. 5259

Council President Dages announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirn, reviewed the issue and recommended approval.

Barbara Hunt, 2475 S. Walnut, stated there needed to be a workshop scheduled to discuss the fees being charged and the money received for Community Facilities Districts.

Upon call, no one else wished to be heard and Council President Dages closed the public hearing.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-51, 2005-52, 2005-53, 2005-54, 2005-55 hereby adopted and Bill No. B-9 adopted as Ordinance No. 2005-11, by the following vote:

Ayes : Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes : Calhoun
Absent : None

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(10:10 A.M.#1) HEARING REGARDING COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 89, FINAL TRACT MAP NO. 4544 - PUBLIC WORKS DEPARTMENT

A. RESOLUTION NO. 2005-56 - DIRECTING PREPARATION OF A MODIFIED ENGINEER'S REPORT ANALYZING IMPACT OF PROPOSED INCREASE IN SPECIAL TAX AND MODIFYING RESOLUTION OF INTENTION 2005-9

B. RESOLUTION NO. 2005-57 - RECEIVING THE MODIFIED ENGINEER'S REPORT AND MODIFYING RESOLUTION OF INTENTION 2005-9

C. RESOLUTION NO. 2005-58 - ANNEXING TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 89, FINAL TRACT MAP NO. 4544 AND AUTHORIZING THE LEVY OF A SPECIAL TAX

D. RESOLUTION NO. 2005-59 - CALLING A SPECIAL MAILED-BALLOT ELECTION

E. RESOLUTION NO. 2005-60 - DECLARING ELECTION RESULTS

F. * BILL NO. B-10/ORDINANCE NO. 2005-12 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS WITHIN AND RELATING TO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 89, FINAL TRACT MAP NO. 4544

(10:10 A.M.#2) RESOLUTION NO. 2005-61 - APPROVING THE FINAL MAP OF TRACT NO. 4544 AND ACCEPTING DEDICATED PUBLIC USES THEREIN AND AUTHORIZE THE PUBLIC WORKS DIRECTOR, PUBLIC UTILITIES DIRECTOR AND PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENT - PLANNING AND DEVELOPMENT DEPT.

A. * RESOLUTION NO. 2005-62 - 60TH AMENDMENT TO AAR NO. 2004-209 APPROPRIATING THE SUBDIVIDER'S INITIAL DEPOSIT FOR RIGHTS-OF-WAY ACQUISITION ALONG N. CORNELIA AVENUE (REQUIRES 5 AFFIRMATIVE VOTES)

Council President Dages announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirn reviewed the issue and recommended combining the above entitled Item with Item No. 10.10 a.m. #2 and recommended approval of both items.

(5-0) Barbara Hunt, 2475 S. Walnut, reiterated the importance of scheduling a workshop to discuss Community Facilities Districts.

Upon call, no one else wished to be heard and Council President Dages closed the public hearing.

Councilmember Boyajian questioned why Item No. 10:10 A.M. #2 was not listed under the consent calendar with Mr. Kirn stating the hearing for the annexation had to be heard prior to the map being accepted. Brief discussion ensued.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-56, 2005-57, 2005-58, 2005-59, 2005-60, 2005-61 and 2005-62 hereby adopted and Bill No. B-10 adopted as Ordinance No. 2005-12; the Public Works Director authorized to execute the Subdivision Agreement with Addendum for Rights of Way Acquisition, Statement of Covenants Affecting Land Development for Landscape Maintenance and Statement of Covenants Affecting Land Development for Temporary Storm Drainage Facilities; the Planning and Development Director authorized to execute the Statement of Covenants Affecting Land Development Deferring Certain Sewer Connection Charges, Water Connection Charges, urban Growth management Fees and Development Fees to the time of issuance of Certificate of Occupancy and Creation of Lien and Statement of Covenants Affecting Land Development for Outlot A, by the following vote:

Ayes : Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes : Calhoun
Absent : None

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(10:15 A.M.) HEARING TO CONSIDER RESOLUTION OF PUBLIC USE AND NECESSITY FOR THE ACQUISITION OF PERMANENT EASEMENTS AND RIGHTS OF WAY FOR PUBLIC STREET PURPOSES FROM THE FOLLOWING PARCELS OF REAL PROPERTY LOCATED ON E. SHAW AVENUE AT THE INTERSECTION OF FIRST STREET IN THE CITY OF FRESNO: APN 427-310-01 WHICH IS LOCATED AT THE SOUTHEAST CORNER OF SHAW AND FIRST STREET AND IS OWNED BY EQUILON ENTERPRISES, LLC ; APNS 418-091-22 & 418-091-19 ARE ADJACENT PARCELS LOCATED AT THE NORTHEAST CORNER OF SHAW AND FIRST STREET AND ARE OWNED BY FRIIS-HANSEN & CO., LIMITED PARTNERSHIP (*PROPERTY LOCATED IN DISTRICT 4*) – PUBLIC WORKS DEPT.

A. * RESOLUTION - THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE AND AUTHORIZE EMINENT DOMAIN FOR ACQUISITION OF PERMANENT EASEMENTS AND RIGHTS OF WAY FOR PUBLIC STREET PURPOSES FROM REAL PROPERTY LOCATED ON E. SHAW AVENUE AT THE INTERSECTION OF FIRST STREET IN THE CITY OF FRESNO: APN 427-310-01 WHICH IS LOCATED AT THE SOUTHEAST CORNER OF SHAW AND FIRST STREET AND IS OWNED BY EQUILON ENTERPRISES, LLC ; APNS 418-091-22 & 418-091-19 ARE ADJACENT PARCELS LOCATED AT THE NORTHEAST CORNER OF SHAW AND FIRST STREET AND ARE OWNED BY FRIIS-HANSEN & CO., LIMITED PARTNERSHIP. (*REQUIRES 5 AFFIRMATIVE VOTES*)

Council President Dages announced the time had arrived to consider the issue and opened the hearing. Senior Real Estate Agent Hansen distributed a corrected Exhibit "A" and "B", and stated in the staff narrative it read "northeast" and it should read "southeast". Mr. Hansen reviewed the staff report and discussed the four findings prior to the adoption of a resolution of eminent domain and recommended staff approval.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and Council President Dages closed the public hearing.

Councilmember Westerlund requested clarification of the corrections with Mr. Hansen responding. Councilmember Westerlund requested the item be postponed to March 1, 2005 in order to review the issue at length and expressed his concern about using eminent domain.

On motion Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, above entitled item continued to March 1, 2005 at 10:05 a.m., by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

(11:00 A.M.) DISCUSSION AND DIRECTION REGARDING THE PROCESS AND PURCHASE OF A TIME ACCOUNTING SOFTWARE SYSTEM – COUNCILMEMBER BOYAJIAN

Councilmember Boyajian stated the item on the agenda was not meant to be confrontational and emphasized the process and purchase should have been offered to local businesses first.

Gary Campbell, owner of Frank E. Wilber Co. of Fresno, stated his company was not part of the selection process for the purchase of Kronos and expressed concern with not being involved. Mr. Campbell stated his company was the Kronos representative from 1982 to 2001 which sold, installed and supported most of the Kronos installation in Central California. Mr. Campbell gave an extensive review of the history of the software product called INFOTRONICS, stated this product was a tier-two product and named several companies that had switched from Kronos to INFOTRONICS. Mr. Campbell stated Chaffee Zoo converted their time accounting system to INFOTRONICS, and noted it was a privately owned company and advised INFOTRONICS was equivalent to Kronos. Mr. Campbell emphasized the importance of looking at local as well as small businesses. Mr. Campbell concluded, stating the employees needed to be involved in a slow and reasonable process, and recommended beginning with City departments already using time clocks.

Councilmember Boyajian stated Frank E Wilber Co. had contracts with other large companies in the City and expressed concern with the City needing a better bidding process. He stated the City should put the time accounting system out to bid and emphasized the importance of selecting the best and the selection should be done in a proper manner. Brief discussion ensued regarding the best bid process.

Councilmember Sterling expressed concern with receiving additional information just prior to the discussion and stated the project was too big to give to one company. Councilmember Sterling stated City employees are looking for a raise and questioned how the City would finance the product and service and concluded by stating if the product was financed at the expense of City employees, she would not support the purchasing of the time accounting system.

Councilmember Duncan questioned the product being a tier-two product with Mr. Campbell responding. Discussion ensued regarding the process of identifying the needs of the City and then finding the product that works versus finding a product and then try to fit it for the needs of the City. Information Services Director Hendricks responded the City identified seventeen companies and narrowed the selection down to meet the City's needs, noting INFOTRONICS was reviewed but did not make the tier cut. City Manager Hobbs stated the process was very thorough and staff had worked hard to get to the point where the City was at currently.

Councilmember Boyajian stated Kronos has been involved with the City for five months and expressed concern with the Council not being included in that process, stated the process should have been inclusive and emphasized the importance of the bid process. **(6-0)** Mr. Boyajian stated he did not want to infer that INFOTRONICS was the answer, but the employees, unions and the City Council was not included in the process or allowed to evaluate the process, and reiterated the process should have gone out to bid.

Assistant City Manager Souza stated staff would continue to improve communications, stated ISD and the committee established the criteria, then evaluated seventeen companies and selected Kronos based on the established criteria and when the committee made the final recommendation for acquisition, the Council would be given a detailed breakdown. Mr. Souza reiterated Kronos did not establish the criteria and the process has been consistent with the City Charter. Councilmember Boyajian stated Kronos has been involved with the City for five months and the process needed to be all inclusive and emphasized the importance of communication.

Council President Dages questioned INFOTRONICS costing 40% less with Mr. Campbell responding. Discussion ensued regarding the purchase of any other software needing to be purchased if the City decided to contract with Kronos and Cognos with Mr. Hendricks stating this was a complete system that would provide time, tracking and reporting. Council President Dages expressed concern with Information Systems Department doing their own RFP by contacting the seventeen companies rather than through the Purchasing Division, adding that process was frustrating and creates mistrust.

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LUNCH RECESS - 12:38 P.M. – 2:30 P.M. (Councilmember Sterling arrived shortly thereafter.)

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Council President Dages continued with a brief discussion of INFOTRONICS being 40% less and expressed concern with Kronos not having a Fresno office. Mr. Souza advised he would provide all the information regarding the seventeen companies. Council President Dages stated if the process had started with an RFP the issue would not be before Council at the present time.

A motion was made to direct staff to begin the RFP process and City Attorney Montoy recommended Council President Dages clarify the motion to direct staff to engage in a competitive procurement process with Mr. Dages concurring.

Ms. Montoy stated when the process began to search for a time, billing and vendor program, staff was advised that they should engage in a competitive procurement process, and at that time staff informed the City Attorney's office they would begin the competitive procurement process. She noted staff continued with the process, it was believed they were doing it in the best interest of the City and used a GSA contracting methodology.

Councilmember Duncan requested clarification as to whether the process for selecting Kronos was legal with Ms. Montoy stating the Purchasing Agent has determined that piggybacking would be an appropriate way to proceed and noted piggybacking on a State or Federal procurement contract is legally permissible. Councilmember Duncan expressed concern with accusations that the process performed was illegal. Mr. Souza explained why staff used a procurement process rather than an RFP, stating the City did due diligence and it was an opportunity to expedite the process and expressed concern with Council assuming the way the process took place was tainted.

Councilmember Westerlund questioned what the full ramifications would be if the process was started again with extensive discussion following.

Councilmember Perea recommended if the motion passed, get with the employees to work out any differences first before returning to the City Council for approval.

On motion of Council President Dages, seconded by Councilmember Boyajian, duly carried, RESOLVED, staff directed to begin the competitive procurement process for the purchase of time accounting systems for the City, by the following vote:

Ayes : Boyajian, Perea, Sterling, Dages
Noes : Calhoun, Duncan, Westerlund
Absent : None

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CONTESTED CONSENT ITEM(S)

(1-A) APPROVE LEASE AGREEMENT AND FIRST MODIFICATION OF THE LEASE AGREEMENT BETWEEN THE CITY AND CHILDREN'S MUSICAL THEATERWORKS (CMT) – PR&CS – COUNCILMEMBER CALHOUN

Councilmember Calhoun questioned why the agreement was for ten years at \$1.00 per year and stated if the building was rented to some other party they would pay \$11,2200.00 per year which would be extra revenue for the City. Mr. Calhoun questioned whether the building was made available to anyone else in the community with Parks, Recreation & Community Services Director Cooper stating there were approximately 120 contracts with non-profit organizations and many of them were being charged \$1.00 per year for rent. Mr. Cooper stated this particular lease has been tied into the "No Neighborhood Left Behind" Project with Controller Quinto clarifying the Memorial Auditorium was being used as collateral for a bond financing for the project. Mr. Calhoun questioned whether the process was fair because some parties might not know about these types of leases and made a motion to continue the item to March 1, 2005, for further review, which failed due to a lack of a second.

Speaking to the issue were Catherine McKennam, 737 E. Trenton Avenue and member of the Board of Directors for Children's Musical Theaterworks (CMT), who stated the issue was unrelated to the program and noted the program was a positive force for children as well as CMT being a positive tenant; and Joe Wetstead, 4730 E. McKinley, who stated the money the Theaterworks generates was put back into providing a venue for the children and recommended Council approve the lease.

(7-0) Councilmember Boyajian stated it was important to provide venues for children to perform and made a motion to approve the lease agreement which was acted upon after brief discussion.

Councilmember Duncan gave a \$10.00 bill to Controller Quinto and stated, for the record, the 10-year lease agreement has been paid for Children's Musical Theaterworks.

Mr. Cooper stated the Children's Musical Theaterworks was a very positive organization that does a tremendous job for the City and stressed the importance of considering the issue Councilmember Calhoun brought up, noting he would be bringing forth a review of the other 120 contracts.

On motion of Councilmember Boyajian, seconded by Councilmember Duncan, duly carried, RESOLVED, the Lease Agreement and First Modification to the Lease Agreement with Children's Musical Theaterworks (CMT), formerly known as the Fresno Playhouse, Inc., for the use of space at the Veterans' Memorial Auditorium for the term of ten years at the rental rate of \$1.00 per year hereby approved, and the City Manager or his designee hereby authorized to execute the Lease Agreement, by the following vote:

Ayes : Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes : Calhoun
Absent : None

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(2:00 P.M.#2) CLOSED SESSION

(A)CONFERENCE WITH LEGAL COUNSEL- DECIDING WHETHER TO INITIATE LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (C)

1. CASE NAME: CITY OF FRESNO V. INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS (LOCAL 39)

(B) CONFERENCE WITH LABOR NEGOTIATOR – GOVERNMENT CODE SECTION 54957.6

CITY NEGOTIATOR(S): JON RUIZ

EMPLOYEE ORGANIZATION(S):

1. INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS (LOCAL 39)

(C.) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (A)

1. **CASE NAME:** CITY OF FRESNO V. CHERTA FARMS, INC., ET AL., FRESNO SUPERIOR COURT CASE NO. 02CECG00191

(D) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (B) SIGNIFICANT EXPOSURE TO LITIGATION: CLAIM OF THERESA ZWIRLEIN

The City Council met in closed session in Room 2125 at the hour of 3:14 p.m. to consider the above issues and reconvened in regular session at 3:55 p.m.

2:30 P.M. HEARING TO CONSIDER REZONE APPLICATION NO. R-04-63, AND ENVIRONMENTAL FINDINGS, FILED BY SKN PROPERTIES, PERTAINING TO APPROXIMATELY 2.48 ACRES OF PROPERTY LOCATED AT 5572 E. INYO STREET ON THE SOUTHWEST CORNER OF S. CLOVIS AVENUE AND E. INYO STREET – PLANNING AND DEVELOPMENT DEPARTMENT

A. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-04-63/C-04-168, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR NO. 10130)

B. BILL NO. B-11/ORDINANCE NO. 2005-13 – AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE R-A (SINGLE FAMILY RESIDENTIAL AGRICULTURAL) ZONE DISTRICT TO THE C-2 (COMMUNITY SHOPPING CENTER) ZONE DISTRICT

Council President Dages announced the time had arrived to consider the issue and opened the hearing. Planning Manager Unruh reviewed the issue and recommended approval.

Upon call, no one wished to be heard and Council President Dages closed the public hearing.

On motion of Council President Dages, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the environmental finding of Environmental Assessment No. R-04-63/C-04-168, dated December 31, 2004, that the project conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130), hereby approved, and the above entitled Bill No. B-11 amending the subject property, adopted as Ordinance No. 2005-13, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

3:00 P.M. DIRECT STAFF TO MEET WITH FRESNO UNIFIED SCHOOL DISTRICT (FUSD) TO DETERMINE HOW THE CITY CAN ASSIST THE DISTRICT ACHIEVE ITS GOAL OF BEING A CALIFORNIA OUTSTANDING SCHOOL DISTRICT - COUNCILMEMBERS CALHOUN AND PEREA

Councilmember Calhoun recognized and thanked the Fresno Unified School District (FUSD) Boardmembers for attending. He stated Fresno schools are facing difficult challenges and the Council supports the District in assisting FUSD in preparing the students to become successful adults by ensuring that they were proficient in writing, reading and math skills, were able to use higher levels of thinking and problem solving skills, could communicate effectively through written and oral presentations, were able to follow directions, make decisions, work as a team, be responsible, were willing to learn to have a positive attitude and were prepared for both further education and employment upon graduation.

A motion to work with the District staff to determine what assistance could be provided by the City was acted upon after extensive discussion. Mr. Calhoun recommended the City Manager's Office select the staff that could work with FUSD.

Council President Dages welcomed a Boy Scout group attending the meeting.

Councilmember Perea commended Councilmember Calhoun for bringing the item forward and expressed the importance of working with FUSD, stated he wanted a real policy and hoped staff would move quickly to create some policies and programs.

Luisa Medina, 2309 Tulare Street, President of the FUSD Board, thanked the City Council, stated this request was long overdue and the Boardmembers would see to it to find ways to work with the City. Ms. Medina reviewed a number of areas the City and FUSD could work together which included extracurricular activities, enhancing safety around the school campuses as well as surrounding neighborhoods, reviewed the drop-out rate and noted schools were a community issue, adding she looked forward to working with the City staff.

Assistant City Manager Souza stated he and the City's Education Liaison had been working on several issues and were committed to working with FUSD.

Councilmember Boyajian expressed concern when politicians get involved with the schools and stated the Council should set priorities to include providing clean air, water and safe neighborhoods, infrastructure in those neighborhoods, coordination of parks and schools, and safe sidewalks and streets.

Councilmember Duncan stated Council should support the Governor's agenda for changes in education to include outsourcing certain services that are mandated by school district employees and the importance of eliminating pay for performance and stated as part of the process Council would give direction to prepare a resolution to forward to the State legislators expressing the City's support of the Governor's agenda.

Councilmember Westerlund advised of his support of providing education to students in the community, expressed concern with the Council getting involved and recommended coordinating a task force that could get into the issues.

Councilmember Sterling supported the motion and stated some areas in District 3 do activities with the Police Department during the summer months such as block parties, stated she would like to see FUSD boardmembers provide a representative to meet some of the students, and recommended working with the PR&CS to utilize the playgrounds and incorporate volunteers to help coordinate neighborhoods. Brief discussion ensued regarding various programs within the City.

City Clerk Klisch stated Barbara Hunt, 2475 S. Walnut, who could not be present, provided a written statement expressing her support of the City working with Fresno Unified School District to help the City's schools.

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, RESOLVED, staff hereby directed to assist Fresno Unified School District in becoming an outstanding School District and report back to the Council by May 5, 2005, with recommendations, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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(3:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 4:34 p.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF FEBRUARY 1 AND 8, 2005

On motion of Councilmember Perea, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Agency minutes of February 1 and February 8, 2005, approved, as amended to reflect the vote taken in closed session: "Chair Boyajian announced the Agency voted 5-1-1, with Councilmember Calhoun voting "no" and Councilmember Westerlund Abstaining, for the Agency Chair and Vice Chair to begin negotiations with Interim Director Murphey for her appointment as Executive Director."

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CONSIDER APPROVAL FOR (1) SEVENTH REQUEST BY CIVIC CENTER SQUARE, INC./TUTELIAN HOLDINGS, LLC, TO AMEND SETTLEMENT STIPULATION AND STIPULATED JUDGMENT TO EXTEND THE COMPLETION DEADLINE DATE FROM APRIL 30, 2005 TO OCTOBER 01, 2005 (APPROXIMATELY 110 WORKING DAYS), FOR CONSTRUCTION OF MULTI-STORY OFFICE BUILDING AND PARKING STRUCTURE ON PARCEL 7 WITHIN CIVIC CENTER SQUARE AREA (TULARE, BETWEEN "N" AND "O" STREETS); AND (2) AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE, THE EXECUTIVE DIRECTOR TO TAKE CERTAIN ACTIONS AND TO EXECUTE SUCH DOCUMENTS APPROVED AS TO FORM BY THE CITY ATTORNEY INCLUDING, WITHOUT LIMITATION, FINALIZING AND EXECUTING ANY AGREEMENTS AND INSTRUMENTS THAT MAY BE NECESSARY TO FINALIZE OR CARRY OUT THE INTENTS AND PURPOSES OF THE AGENCY BOARD AND/OR CITY COUNCIL AND CONSISTENT WITH THE STIPULATED JUDGMENT **(COUNCIL AND AGENCY ACTION)**

Executive Director Murphey reviewed the staff report, explained the delays, and stated Civic Center Square, Inc. will pay for the estimated cost in the amount of approximately \$1,000.00 for staff time and attorney time in preparing the amendment and recommended approval of the extension.

(8-0) Stan Martin, President of Civic Center Square, Inc. and representing the applicant, stated the building was making significant progress adding approximately 47% of the building was complete with a completion date of October 1, 2005.

A motion to approve staff recommendation was acted upon after brief discussion regarding whether the Stipulated Judgment would have to be filed with the Court and various construction clauses.

On motion of Councilmember Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the seventh request by Civic Center Square, Inc./Tutelian Holdings, LLC, to amend the Settlement Stipulation and Stipulated Judgment to extend the completion deadline date from April 30, 2005 to October 1, 2005, (approximately 110 working days), for construction of a multi-story office building and parking structure on Parcel 7 within Civic Center Square area (Tulare, between "N" and "O" Streets) hereby approved; and the City Manager, or his designee and the Executive Director authorized to take certain actions to execute such documents approved as to form by the City Attorney including, without limitation, finalizing and executing any agreements and instruments that may be necessary to finalize or carry out the intents and purposes of the Agency Board and/or City Council and consistent with the Stipulated Judgment, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes : None
Absent : None

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(3:30 P.M. "C") RESOLUTION NOS. 2005-63/1658 - DESIGNATING POSITIONS WHICH SHALL BE SUBJECT TO THE CONFLICT OF INTEREST CODE AND DEFINING CATEGORIES OF DISCLOSURE FOR SUCH POSITIONS (COUNCIL AND AGENCY ACTION) – CITY CLERK'S OFFICE

City Clerk Klisch reviewed the above entitled item and stated the Convention Center operation was still under review as to whether they fall under the City's Conflict of Interest designation. Councilmember Sterling questioned why the City Attorney and City Manager were not listed on the exhibits with Ms. Klisch and City Attorney Montoy responding.

Ms. Klisch stated Barbara Hunt, 2475 S. Walnut, who was unable to be present, provided a written statement expressing concern relating to a potential conflict of interest due to the resolution being adopted by the City Council and the City Council being the Redevelopment Agency.

On motion of Councilmember Westerlund, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Council Resolution No. 2005-63 and Redevelopment Agency No. 1658, hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes : None
Absent : None

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There being no further business to bring before the joint bodies, the hour of 4:52 p.m. having arrived , Chair Boyajian declared the joint meeting adjourned and the City Council reconvened in regular session.

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(2A) BILL NO. B-12 - (FOR INTRODUCTION) - AMENDING THE FRESNO MUNICIPAL CODE RELATED TO THE CITY ADMINISTRATIVE HEARING PROCEDURES, SELECTION OF HEARING OFFICERS, AND THE COST AND PENALTY RECOVERY ORDINANCE AND ADMINISTRATIVE CITATION PROCEDURES – CITY ATTORNEY’S OFFICE

City Attorney Montoy reviewed the staff report and stated the various provisions were made to update the City’s procedures to conform with State law, recommended Council approve the introduction of the ordinance and noted the Code Enforcement Division was in concurrence with their recommendations.

A motion to introduction the amendment was acted upon after brief discussion.

Councilmember Boyajian questioned whether the amendments would change the appeal process with Deputy City Attorney Phelan explaining there were two types of Hearings Officers, permanent and temporary, and stated the only time a temporary officer would be hired would be to prevent backlogs.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Bill No. B-12 introduced, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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(3A) CONSIDER AND SET TERMS FOR CITY-APPOINTED MEMBERS OF THE CHAFFEE ZOO NON-PROFIT BOARD – COUNCILMEMBER BOYAJIAN

Councilmember Boyajian reviewed the above entitled item and stated Council should have the option of setting the terms for the Board. Brief discussion ensued regarding the Zoo Board reappointing the members with City Attorney Montoy stating her recollection was it was a Blue Ribbon Commission recommendation with Assistant City Manager Souza stating the City was in the process of meeting with the Zoo Board and the by-laws would most likely regulate the appointments but no final decisions had been made yet. Councilmember Westerlund stated this was a policy issue and Council needed to discuss the matter in more detail as well as the by-laws with Councilmember Perea concurring.

Councilmember Duncan questioned why the City would have authority to dictate what the Board’s by-laws would be and stated the committee was promoted as an independent Board and felt they would self police themselves.

On motion of Councilmember Perea, seconded by Councilmember Boyajian, duly carried, RESOLVED, Option No. 3, to place 3 names in a hat, 3 terms (3,2,1,) in another hat, draw a name, then draw the year and repeat the process two more times hereby approved, by the following vote:

Ayes :	Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Boyajian
Absent :	None

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(C) CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

1. PROPERTY: PARCELS AT 800 “M” STREET AND 808 “M” STREET

NEGOTIATING PARTIES: ANDREW SOUZA AND DANIEL HOBBS; OPHELIA FAMILY TRUST

UNDER NEGOTIATION: NEGOTIATION OF PRICE FOR ACQUISITION AND LEASE OF PROPERTY

The City Council met in closed session in Room 2125 at the hour of 5:14 p.m. to consider the above issues and adjourned thereafter.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 6:10 p.m. having arrived and hearing no objections, President Dages declared the meeting adjourned.

APPROVED on the ____ day of March, 2005.

_____ ATTEST: _____	
Mike Dages, Council President	Cindy Bruer, Deputy City Clerk

